

United States Court of Appeals
FOR THE EIGHTH CIRCUIT

No. 02-2171

United States of America,

Appellee,

v.

Charles E. Hackendahl,

Appellant.

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Appeal from the United States
District Court for the District
of Nebraska.

[UNPUBLISHED]

Submitted: August 29, 2002

Filed: September 9, 2002

Before McMILLIAN, FAGG, and BOWMAN, Circuit Judges.

PER CURIAM.

Charles E. Hackendahl was found guilty, by reason of insanity, of assaulting a federal police officer, after which he was committed to the custody of the Attorney General. The district court later conditionally discharged him, but revoked the discharge following a hearing under 18 U.S.C. § 4243(g). Hackendahl appeals, and we affirm.

Under section 4243(g), a district court may revoke a person's conditional discharge after a hearing if, "in light of his failure to comply with the prescribed regimen of medical, psychiatric, or psychological care or treatment, his continued

release would create a substantial risk of bodily injury to another person or serious damage to property of another." Having carefully reviewed the record, we conclude the district court's finding that revocation was warranted is not clearly erroneous. The district court was presented with evidence Hackendahl had been manipulative about taking his prescribed medication; he had refused to participate in the residential facility's programs; and he had threatened to kill himself, hurt others, and "stop" people from using the Lord's name in vain.

We thus affirm the district court.

A true copy.

Attest:

CLERK, U.S. COURT OF APPEALS, EIGHTH CIRCUIT.